

Jt. Stipulation Modifying Para. 229

*U.S. v. Commonwealth of Puerto Rico, No. 12-cv-2039 (GAG)*

### Exhibit A: Policy Review Protocol

The Parties and the TCA agree to implement the following Policy Review Protocol<sup>1</sup> in accordance with the Agreement for the Sustainable Reform of the Puerto Rico Police Department and Paragraph 229, ECF No. 60, as modified by the Parties' Joint Stipulation.

1. The Puerto Rico Police Bureau (PRPB) shall submit all new and revised policies, procedures, action plans, programs, protocols, forms, systems, and mechanisms required by this Agreement to the Technical Compliance Advisor (TCA) and the United States Department of Justice (DOJ) for review and comment. PRPB shall have complied with this obligation when it has delivered to the TCA and DOJ its final drafts for review in the Spanish language. PRPB shall be under no obligation to submit its deliverables in the English language.
2. DOJ will have 20 calendar days to complete its review and submit comments, if any, to PRPB and the TCA. The TCA may grant DOJ a reasonable extension, not to exceed five calendar days.
3. If DOJ does not submit any comments within the 20-day period or within the extension period granted by the TCA, DOJ shall be deemed not to object to the PRPB submission. The TCA shall consider the factors in Paragraph 230 of the Agreement in determining whether to grant an extension.
4. The TCA shall complete its review within 30 calendar days of PRPB's submission. If the TCA does not submit any comments within the 30-day period, the TCA shall be deemed not to object to the PRPB submission.
5. If neither the TCA nor DOJ submit any comments within their respective review periods, PRPB may request a memorandum approving the policy from the TCA. The TCA shall submit the approving memorandum within 5 calendar days of PRPB's request.
6. If the TCA or DOJ submits comments to PRPB, PRPB shall have 30 calendar days from the expiration of the TCA's 30-day review period to address the comments or to accept, decline, or modify any recommendations made by the TCA or DOJ. The 30-day period for PRPB shall include a review by the Commissioner and any other person or entity deemed necessary by PRPB.
7. Within 15 calendar days after PRPB's 30-day conciliation period, the Parties and the TCA shall meet and confer to review PRPB's response to comments, recommendations, or objections from the TCA or DOJ. The Parties and the TCA

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<sup>1</sup> References to "policies" in this Policy Review Protocol include all of the submissions required by Paragraph 229 of the Reform Agreement, *to wit*, policies, procedures, action plans, programs, protocols, forms, systems, and mechanisms.

agree to work in good faith to resolve any disagreements to ensure that policies are consistent with the Agreement, applicable law, and generally-accepted policing practices. The conciliation meeting between the Parties and the TCA shall be limited to comments, recommendations, or objections notified previously by the TCA or DOJ during their respective review periods, unless one of the parties or the TCA identifies material legal or factual issues that are related directly to the Agreement or applicable law.

8. Within 15 calendar days of the conciliation meeting between the TCA and the Parties, PRPB shall submit a redline comparison to the TCA and DOJ that identifies all changes that PRPB has agreed to incorporate into the final policy and any other changes made by PRPB. Material changes by PRPB that substantially alter the originally-reviewed policy, as determined by the TCA, shall trigger a new 20-day review period by DOJ and 30-day review period by the TCA.
9. If all PRPB changes are within the scope of the comments, recommendations, or objections notified previously by the TCA or DOJ, the TCA and DOJ shall have 10 calendar days from receipt of the redline comparison from PRPB to object to the policy. The Parties and the TCA agree to resolve all objections, pursuant to Paragraph 230 of the Agreement. If neither the TCA nor DOJ submit any objections within the 10-day review period, or within the 20-day and 30-day review periods set forth in Paragraph 8, above, PRPB may request a memorandum approving the policy from the TCA. The TCA shall submit the approving memorandum within 5 calendar days of PRPB's request.
10. All approving memoranda issued by the TCA related to Paragraph 229 and this Policy Review Protocol shall contain the following information:
  - a. Title and version of the policy approved by the TCA.
  - b. Persons in the TCA Office who reviewed the policy.
  - c. Decision regarding the policy using the following dispositions:
    - i. Approved.
    - ii. Not Approved.
    - iii. Approved Conditionally with Recommendations.
  - d. Recommendations or other comments by the TCA.
  - e. Date of approval.
  - f. Signature of the TCA or his designee.